

THE 8132 and  
CONDUCT  
OF SOME  
PEOPLE.  
ABOUT

Pleading Guilty;

With some

REASONS

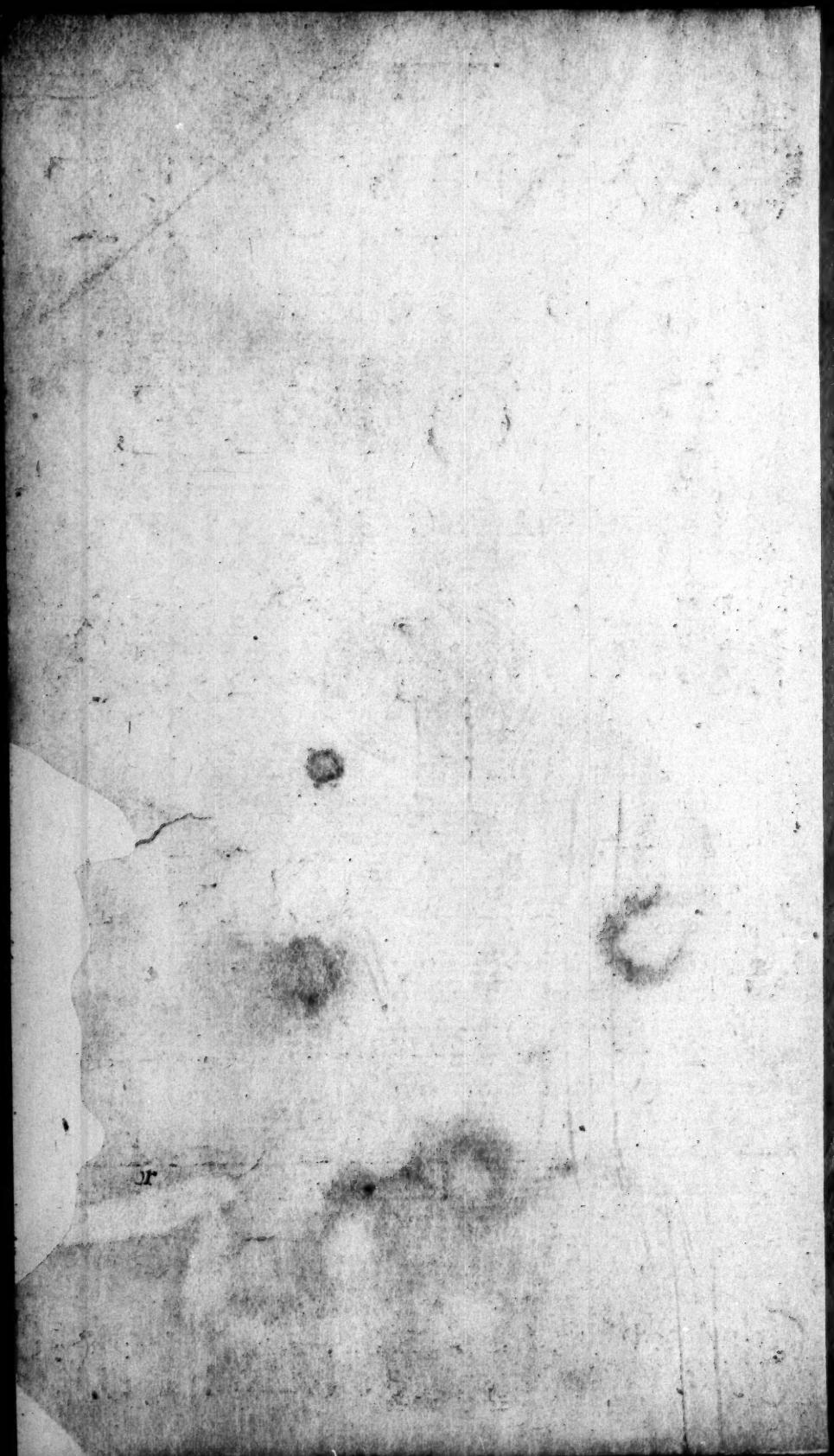
Why it was not thought proper to  
shew MERCY to some who desir'd it.

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DOBBS

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THE  
 CONDUCT  
 Of some People, about  
 Pleading Guilty.

WHEN the House of Commons first exhibited Impeachments against the Seven Lords taken at the Defeat of the Rebels at Preston, and sent the Articles against them up to House of Lords, the Lords, according to the usual Course of Proceedings in such Cases, appointed the Impeach'd Lords to attend, and allow'd them Time to give in their Answer.

While this Part was depending, it was the common Discourse of the Town, That giving them Time was but a piece of needless Formality, a kind of Banter upon their Circumstances, a Thing of no Signification, that indeed it gain'd them a few Days to live, and to prepare for another World, which was the only Thing they ought to have in their View, but that it was of no other Effect, For what can they plead ? said the People, who spoke of those Things with any Judgment, Were not they taken in Arms ? Were they not in open Rebellion, and Prisoners in the Action, Surrendered at Discretion to the Generals, and brought immediately hither from Place of Battle ? Can such Men bring any Plea can they have to say ?

Tho' this was the Discourse without Do the Persons themselves there was other Talk

particularly with their Friends ; and the Debates that happen'd upon this Subject, as well among themselves as among other People, may be very useful for us to know something of, as well as to let us into the Secret History of their Conduct, as to inform us who were in their Interest, and upon what Foot their Friends endeavour'd to save them.

I believe no Man will suppose, that Gentleman of such Quality as these, were without some Friends, who, in their present Extremity, would Interest themselves for them, and who apply'd, with the uttermost Diligence, to gain to them the Favour of such other Persons, as might be supposed, on any Account whatever, to be capable of Serving them.

It was easie to see who would befriend them of Course ; (viz.) Those engaged by Party, who were on their Side by Inclination, these were not only to be depended upon for their Votes in favour of the Gentlemen in Distress, but to be moved to use their Interest for the bringing over, of a Second Party, who were something Indifferent, over to the same Sentiment. There was a Third Party, from whom nothing was expected, and therefore such little Application was to be made, but they were, possible, to be Out-number'd.

The Space the Criminal Gentlemen had between their Commitment to the Tower, and the Day of their Impeachment, was the Time to be employ'd to form those Interests, and to come to an Understanding about the Strength of their Friends ; and as there was no Moments to be lost, so neither was it ill employ'd ; they took care to Sollicit, Treat with, and Engage every Man, that by any possible Methods they could come at, to act in their Interest, in so Critical a Juncture, and to do their Best for them 't possible to avert the Stroke of Justice at last ; and

No Body can blame them. It was not many of the Impeachments, that we were told, with Justice, That the Lords in the Tower had made their Interest, that they were under no Apprehensions at all, and that it only remain'd, to determine what should be taken, to make the Mercy they appear Rational in those that granted it, to the Nation. And

And if it is true, that they had, upon those Applications, some private Assurance given them, That by the strength of their Interest among the Nobility, the whole House of Lords would be brought to Address His Majesty to shew them Mercy, who can blame them for promising themselves their Lives, especially considering the native Clemency of His Majesty, and the Inclination all good Kings have to spare the Blood of their People.

But in all these Measures, there has been so much Intrigue, such Nicety of Management, such Subtlety of Application, and such Industry used on one Hand, and such Court Fineness, such discovery of Persons and Principles on the other, that it must be very Diverting, as well as Improving, to give some Account of it to the World.

The Measures, as I have said, having been taken to form their Interest, and those Measures having succeeded, even beyond their Expectation, the first Thing to be observ'd is, How agreeable to all good Men, and especial to Men of Honour and Quality, it is to be apply'd to shewing Mercy to Men in Distress, in a Court so Gallant, so Soft, so Humane, I had almost said so Christian; that of this Kingdom, what Wonder is it, that an humble Application, by Persons of Honour under Misfortune, found powerful Advocates, and made sensible Impression upon the Minds of some Great Persons in the Kingdom.

Clemency and Charity are the Glory, the one of Nobility, the other of Christianity, and when these are powerful Arguments to be used, when these are the Keys, how easie is it to unlock the Breasts of such Persons who are fill'd with Principles of Honour and Christianity? I had much rather give these for Reasons, why the Applications of the distressed Lords gain'd them so easie, and so general an access to the Hearts of some, whose Posts and Trusts, perhaps, might seem to have engaged them another Way; and of whom it might have been expected, that their Concern for the Safety and Peace of their Royal Master, the Honour of His Government, and the Good of their Country, should have open'd their Eyes to the Necessity of Publick Justice at that Time, than have it to say of any, That it rather open'd their Ears to the Petitions of those who had put their Hands to the horrid

horrid Work, of their Country's Destruction, and made them Intercessors for those who had rais'd a Civil War in its Bowels, striking at the Person and Family of our Sovereign, the Foundation of the Protestant Interest, and at the very Root of the Constitution.

I am very loth also to entertain an Opinion so gross in it self, and so remote from Charity, which nevertheless some have started, (viz.) That it was listening to a frailer part of their Inclination, which brought some Gentlemen into this Matter : That all the Clemency of their Tempers, and Softness of their Dispositions, would not have prevail'd over their Sense of Duty, if there had not been more glittering Motives, whose Power they had not self-denying Virtue enough to resist ; Tho' if this was their Temptation, I must still acquit the Aggressors, I mean the Lords in the Tower ; for who, in their Circumstances, would have spar'd their Ammunition where they knew the Fort would be reduc'd by Undermining, without the hazard of Sorming.

And as on the one Hand I believe, at least hope, this is more than a Slander upon the Gentlemen, of whom it is spoken, so, I dare say, the Reasons some People have suggest such a thing, even to themselves, are rather n from what they have formerly heard, of the inuence MONEY has had upon those Persons in Times past, to lead them against Principle, than from any real telligence they have now had of the Fact.

It may be True, that the Suspicion is encreased by the Knowledge the World has had of the contrary Disposition of the Persons spoken of in Days of old (viz.) How, in former Times, when the Administration of Publick Affairs has been in some of their Hands, they have been found as Deaf to the Importunities of the Miserable, as Inexorable to supplicating Virtue, and distress'd Innocence, as any Asian Mute, commission'd to the exercise of the Bow-String : How they have been Eminent for vindictive Tempers, and the Operations of the Spleen, as any that have since acted their Parts ; and therefore it has been said, That it must be from some other Principle than that of Humanity and Compassion, that those Persons, however Great, should be prevail'd with to plead for Cle-

Clemency and Mercy to Men under the worst of Circumstances, and Sentenc'd for Crimes which must necessarily, not only taint their Honour and Families who are Guilty, but must cast some just Reproach upon those who Interest themselves to save them. But as those are but Suggestions, I say no more of them.

But to return to the Fact, as it stands Historically in our view: Certain it is, if Fame lye not, That the powerful Applications for Mercy for these Men, whether by the influence of the Ladies Tears, the sense of the Misfortunes of so many Persons of Quality, or any meaner Importunities, I cannot say, had found Means to make Impressions upon some nearer the Throne than they themselves had, I believe, any hopes of; and as this was an agreeable Surprize to the Unfortunate Gentlemen, so we shall see the less Reason to wonder at their future Conduct on that Account, and this is partly the Reason why I have entered into this Part at the Beginning of this Tract.

Nothing is more Certain, than that before this the Lords seeing little room to expect any Interest could be made for their Escape, had entertain'd serious Thought of Dying, and were rather something Disconcerted, & otherwise Determined, as to what Answer they shou give to the Impeachments which were brought against them.

Indeed, as some of them Express'd it, I mean one ready Executed, they hardly expected the House of Commons would have given themselves the trouble of Impeachments, in a Case which was so plain, and requir'd so little Ceremony, but rather have let the Law take its ordinary Course, by Indictment and Plea, and have left them to the House of Peers, who must necessarily have Condemn'd them.

It has been said also, by some of their Party, That the same Gentlemen had resolv'd to act what they call the Heroe, (viz.) To have given the Fact in Evidence at their Tryal, and justify'd the Rebellion upon Principles of Jacobitism; the Foundations of which, like Blasphemous Tenets in Religious Disputes, are not fit to be Mentioned. That this had been to have acted the Desperadoe, and

and to have cast themselves intirely away beyond the reach of Mercy, and out of the Power of Intercessors; nay, even out of the Rational Power of the Royal Clemency itself, is most certain; how it could Denominate them Heroes would have been their busines to shew, I must acknowledge I do not see any thing of that kind in it.

However we found this Notion was so revitred in the Mind of one Person, if of no other of them, that nothing could, for some time, divert his Thoughts from it; and we have divers Accounts of his Conduct in that Part. How he talk'd of Death, a la Cavalier: How he made the Scaffold appear to his Fancy, no more than a Scene in a Tragedy, which had nothing in it but Formality, to make his passing off from the World a little Judicial. How he thought that Death there could have no worse a Face than it had in the Streets of Preston, where he had look'd on its Phyz with very little Apprehension, and was not at all afraid to see it again.

As these were the Views which for some time these Gentlemen had, so neither were they easie to be brought to entertain other Notions; Indeed when the Time was Limited that they were Obliged to give in some Plea or other, and that they began to look on the Thing with a nearer, and, perhaps, a more serious View, they appear'd not at all alike Determin'd; but all the Consequence of this was, That it only made them a little more inclin'd to listen to the Advice of their Council and Friends, and to Act by such Measures as Reason, and the Nature of their Circumstances call'd for.

This ended in their Pleading Guilty to the Impeachment, and throwing themselves in the most Moving and Submissive Manner possible, upon the King's Mercy, imploring the Intercession of their Peers, who were their Judges, and of the Commons, who were their Accusers, a Thing which, as is said, One of those now gone said, Was much more difficult to do than TO DIE.

I have heard many wise and good Men say, That let the Ends, which the said Gentlemen proposed to themselves in it, be what they would, that Plea was the only Step they could have taken, entirly to give Peace to their

own Minds, and have good Men believe they were restor'd to an honest and just Principle ; The First, because by it they had tryed the only Step left them to save their Lives, and which they could not possible be fully satisfy'd in omitting ; and the Last, because the Contrary had been a justifying and defending the Crime of Rebellion, which on no just Principle could be defended ; and as I am well informed, these Arguments were press'd upon them with great Earnestness by their Friends, so I have been told also, That the first, especially, made a great impression upon them, in the Case I speak of.

But there was a yet more powerful Argument to induce them to this Plea, and this is said to be represented to them by the Agents they had employ'd as before, to obtain the Intercession and Favour of the Great Persons, of which I mentioned something at first ; and this contains the best Piece of Secret History, which perhaps, has come to light in all this Affair.

Suppose A. B. to be a Lady deeply interested in the Case before us, and applying to one N. O. for his Interest and Favour in behalf of the Condemn'd Lords, while other Friends are solliciting as hard with other Great Persons ; let us digest their Discourse as near as we can to the real Dialogue that past between them allowing that we can relate no more than Memory and our faithful Intelligence could convey.

\* A. B. A distress'd Lady, introduc'd by a Favourite, throws her self at the Feet of N. O. with abundance of Tears, and in a short Address, bespeaks him thus :

My Lord, (said she) I come to implore your Pity to a Number of Distress'd but Noble Persons, and particularly to my Lord—— ; they are well assur'd of the powerful Influences your Lordship has as well in the Councils of —— as in the the P——, and without your Lordship's Assistances they are inevitably lost.

N. O. Madam, I am very sorry it is so little in my Power to help your Lord—— ; but I have been already

B

spoken

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\* Note, Suppose the Balm infused by other means to soften corroding Passions, and prevent Fermentation of natural morose Humour.

spoken to, I suppose at your Ladyship's Request, by my Lord ——, and I bid him assure you, that if my Lord D—— will be advised, I shall do all for him that lies in my Power.

A. B. My Lord ——, As these distress'd Prisoners have no Friend so able to advise them as your Lordship, so you may be assured they will put their Lives and Honour into your Lordship's Hand, and be guided entirely by your Advice.

N. O. Why Madam, I am told they make a Difficulty of Pleading Guilty to the Impeachments; I do not see how it is possible any one can serve them, if they decline Pleading Guilty.

A. B. My Lord ——, I cannot answer that Particular farther than this; It is, no doubt, hard to them to plead Guilty, especially to all the Enlargements and Aggravations in the Impeachments, tho' they are otherwise in no Condition to repell the Evidence.

N. O. But they may plead Guilty in General Terms they acknowledge they were in Arms, marched so and so, and were taken in Fight, as the Impeachment expresses it; this they cannot deny; and Pleading Guilty then is no more than Confessing what it is to no Purpose to deny.

A. B. But, my Lord, Pleading Guilty, is owning, That taking Arms for King James is Rebellion.

N. O. Look you, Madam, I am as much for King Ja—— as my present Circumstances will allow; but in this Case it is impossible to help them without it. But, Madam, my Lord Duke of —— has appointed to meet me this Evening about this Affair: Your Ladyship may depend upon it, that we will consider of the best Method to serve my Lord ——, and we hope he will not scruple any thing that we shall convince his Lordship is for his Interest.

A. B. I humbly thank your Lordship; I know my Lord depends entirely upon your Assistance, and is wholly given up to your Measures.

My Lady returns to the Tower, and finds there another Person, who we shall know by the Letters L. R. who had found Means to visit the Lord D—— in his Imprisonment.

This Person, it seems, had likewise been with some Great Lords on the same Errand that my Lady had been with

with N. O. and having, as we are inform'd, receiv'd much the same Answer, was Expostulating with my Lord D— about Pleading Guilty, which the other strenuously opposed.

My Lord, (says L. R.) how is it possible any Peer can serve you, if you have not first acknowledg'd the Fact? Pardon craved implies Guilt confess'd : No Man can ask Mercy for you, while you stand upon your Justification. My Lord D— seem'd a little moved at that Proposal, and with some Warmth replyed, But, my Lord, do you consider the very Plea is a Renouncing my Sovereign: How can a Man of Honour stoop to that? Nay, how can any Man of Honour offer such a Thing to us? ( says L. R. ) My Lord, your Lordship knows that N. O. was always a sincere Friend to the Chevalier ; he bid me assure you that he is still so in his Heart : You know he gave innumerable Evidences of it formerly, in the Time of his Administration ; and if he has seemingly appear'd in another Interest now for some Time, you know well the Motives inducing, and also that it is with due Reserves, and that he waits only an Occasion to declare himself ; and you must be content, if you will save your Life, my Lord, now you are in their Power, to do as my Lord N. O. does, viz. Double and turn, and shew the smooth Face, or the rough, as Occasion offers, and I confess I do not see why you should make it a Difficulty.

My Lord D—, as if he was surpriz'd, return'd : No Difficulty, my Lord ! Do you consider that it is Perjury in the Abstract ; and tho' I am a Catholick, I have no Dispensation for breaking lawful Oaths ; I ought to die rather than entertain a Thought of it. To this, L. R. return'd coldly, I am sorry for it, my Lord ; it is certain, if you cannot do this Part, you must dye, there is no Man living can interpose for you.

It seems, however, that Lord D— was not willing either to leave the Point, or to leave off the Discourse, and therefore still held him in Suspence ; My Lord, (says he) you may be sure I am willing to save my Life, but can I be guilty of Perjury ? How can N. O. offer such a Thing to me ?

L. R. Told him, He could not say how far these Things might deserve the Name of Perjury, and brought in this famous Argument ; Do not we that are Protestants, says he, as firmly adhere to the Interest of King J--- as any of you, and yet you see we are oblig'd to take all the Oaths Abjurations, Associations, &c. that they put upon us.

Lord D--- told him gravely, He could not enter into that Case : I examine no Man's Principles, said he, but my own, I have always acted upon an honourable Foot hitherto ; and I think a Man of Honour can no more renounce his King than his God.

L. R. Seem'd at a full Stop at this, as indeed any Protestant might well be, and as if the Case was at a Point, reply'd, That he could not enter into a Dispute about Opinions and Principles : But, says he, if this cannot be, then I beg your Lordship will tell me if I can serve you any other way.

My Lord D--- not willing still to quit the Discourse, replied with this Question : Why may not the Lords interpose for Mercy to us after a Tryal, if we are found Guilty ?

This discovered his full Design : But L. R. open'd the Case more fully to his Satisfaction, as follows : Says he, All that are your Friends now, will, no doubt, do so, my Lord, but the Business lies another Way : It must not be a few Friends, but the Majority of the House that can do you any Service ; and do you not think there will be a manifest Difference in the Inclination of the Peers to you, from the Influence of your Conduct, and as you behave well or ill ?

Lord D--- seem'd not to understand him, and desir'd him to explain himself.

Why, suppose, (says L. R.) on one Hand you plead Not Guilty, justify your selves from your Loyalty, as you call it, to the Chevalier, which, by Consequence, must be in the highest manner provoking to the present Government, as it insists upon the Title of their Enemy, and pretends to disown the Settlement here : Do you think, my Lord, said he, as many will incline to Compassion, and as many will think you merit to be spar'd, as will be mov'd on the other Hand to a generous Clemency, when they see so many unhappy Noblemen

throw

throwing themselves entirely at their Feet, and imploring their Intercession for unfortunate Men, who cry for Mercy. Pray consider this Case sedately, my Lord.

Perhaps indeed (says my Lord) there may be some Difference in that.

A great deal, my Lord, (continued L. R.) and there are a great many Reasons for it : We are to work upon Humane Nature in this Case, not upon Party Principles : If the House were to go by Party, you are lost : You must not think that all those who may be brought to pity you, are of your Side ; if they were, it were no matter how you pleaded : But we are to move the Compassions of Men to your Persons, who are Enemies to your Cause ; and with such differing Measures must be taken : In a word, my Lord, I must own, it is my Opinion that no other way can save you, act as you think fit.

My Lord D----, as if he seem'd to yield, and that he was convinc'd by these Reasonings, return'd thus : Well, and if I do plead Guilty, what will they do for me ? And what must I do else ?

Why, my Lord, (said L. R.) if you plead Guilty, you first cast your self upon the Mercy of the King, then must make a short handsome Application to the Peer intercede with His Majesty for his Pardon.

And must I call him King and Majesty ? (says L. R.)

It must be so, my Lord, (says L. R.) there can be no putting in a Word for you, unless you think fit to do this length ; and your Lordship knows it to be so as I ; the Nature of the Thing requires it. To which L. D---- seeming moved again, return'd smartly : And not your Lordship say your self, that I deserve more dye than a Common Thief, if I can stoop to such me Things to save my Life.

Says L. R. I see, my Lord, the Nicety of Honour will be your Destruction ; I am sorry for your own Part, and yet more sorry for the Injury such an Obstinacy will be to the rest of the Noble Lords who are your Fellow-Prisoners, who, I fear, will fare the worse for it.

You stab me with that Expression ; reply'd my Lord D----, rather than they shall suffer by me, I'll comply with any Thing, tho' I would not for any Danger of my own,

L. R. Told him, He knew that Thought would touch his tender Part ; that it was indeed a Reflection which any Person of Honour would immediately make ; that it was hard to let our Opiniatré endanger the Lives, Honours, and Estates of our Friends.

To this, Lord D— as if yielding, said little, but enquired into the farther Circumstances of the Proposal. And, says he, if we do agree to prevaricate, and merely to save our Lives, take this dishonourable Step, for such we must esteem it, as we shall speak against the Testimony of our own Hearts when we do it, I say, when we do thus, what then ?

Says L. R. Then, my Lord, the Persons we have been with, viz. N. O. B. and N. and several other Persons of Honour, of the first Magnitude, have promised to bestir themselves.

But what is it they can do ? says L. D— still unsatisfy'd.

Rather, my Lord, says the other, what is it they cannot do ?

But may we not have some View of their Measures ? says L. D—.

Yes, yes, my Lord ; says L. R. you know they have Right to advise the King ; and if they espouse your Interest, you will find, perhaps, they may be brought to press the King in Parliament to pardon you, which if an obtain, your Business is over, for you hardly ever

an Example where any Person who the Parliament are f'st'd to have spared, was Executed, altho the Crime might be equal, if not superior.

Indeed, says L. D—, the Design seems well laid ; an address will certainly do our Business : But must we not apply to the House of Commons too ?

L. R. Return'd, You may do so, if you please ; but we cannot answer for them in this Case ; for tho' the House of Commons do often make, or pass Acts of Oblivion, yet in Cases thus particular, we do not find often that the House relents. The Commons are the Accusers, and are justly incens'd at the Rebellion ; and they cannot so reasonably concern themselves to interpose between the King and those that have offended ; but if the Lords do it,

it, we doubt not but it will be sufficient in this Case, and we hope the Commons may be brought not to oppose it, if they cannot be brought to address in your Favour.

Says L. D—. Well then, we must for once stoop to be R—s, and deny our Prince and our Principle to save our Lives ; but my Heart mis-gives, and tells me, That it will never do ; Heaven cannot approve it, and will not bless it ; and take it from me, when we have done so, it will not thrive, and it will be the only Sin of my Life I shall have to make Confession of upon the Scaffold, for thither I shall come, and its better to come there gallantly, and with the clear Soul of a Man of Honour, than basely loaded with Guilt and Confusion, and bearing Testimony against our selves, that we have acted dishonourably to save our Lives, and not saved them neither.

He spoke this with great Earnestness, and almost with Tears standing in his Eyes, and his Friend could not but perceive it, which made him very passionately embrace him, telling him, He saw with what Reluctance he did it, and if it had been in his Power to have serv'd him any other Way, he would rather have died than have proposed it to him.

By such Arguments as these, and by the Sollicitation of those Friends who stirr'd for them, who thought necessary for their Safety, the Lord D— is said, to be prevail'd upon to go into those Measures which he publickly Repented of, when he found them ineffectual.

How far both they, and their Friends also, were mistaken in their Measures, we shall take Notice of by and by.

It is necessary to observe here, That after these Things were over, and the Prisoners had pleaded Guilty, spoken very handsomely, and Submitted in the lowest Manner to the Peers, begging their Lordships to Interpose with His Majesty for Mercy to them, as by their Speeches, which are made publick, and to which I refer, may be seen ; I say after this was over, then the Moments seem'd to become, in which the Promises of N. O. and other their Friends, were, if ever, to be performed.

The Ladies, with all the most Moving and Passionate Representations, acted their Part to perfection: None can say, They did not do their Duty to the utmost; the Powerful Interest they made among all the Men of Influence, shew'd they were not wanting: All that Prayers and Tears can do, was done without Doors; at length the Petition was brought into the House of Lords, and being Receiv'd, it introduced a Debate.

I am not allow'd to take notice of any Thing that was Transacted within the House, other than by Generals, to wit, That their Friends did all that could be expected of them, and that it was possible to do; and so far has Clemency, and a Merciful Disposition, the ascendant over the Noble Persons who compose that Illustrious Body, that those Lords who spoke in Favour of the Condemn'd Lords, had great Advantages, few caring to interpose, to put a stop to the Royal Goodness, or obstruct the Channel of Mercy to the Miserable.

This, we may suppose, favour'd their Petition; and the Lords agreed to address his Majesty for Mercy, with a Reserve to His Majesty's Pleasure and their Content, as might tell them however, that there was yet nothing farther to be look'd for from them, if they exacted Mercy: How this was express'd, is to be seen in the Address, to which we refer.

The Condemn'd Lords, it was said, did not receive the News of this Address with that Pleasure that their Friends, who saw not so far into it as some of them did, expected; which, perhaps, was the Reason why one said of them too warmly, they were not grateful to their Friends.

Nor did they receive it all alike, some who penetrated into Things farther than others, seeing, perhaps, room for their Deliverance in it, and others just the contrary; so that while this Address put some of them in Hopes that they might deserve Mercy, and consequently have room to expect it, others of them saw room only to despair this Deserving Mercy, being a Term which they had different Notions of from other Men.

It began now to appear to them, that they were deceived, when they thought that The Bitterness of Death was past; That the Fears, tho' they were prevail'd with

to harbour some merciful Dispositions towards them, were very far from offering to impose upon the Government, or to press for Mercy, but on such express Terms as his Majesty should find to be for the Honour of his Government, and the Safety of his Kingdom: So that it remain'd for these Gentlemen to convince his Majesty, that they were proper Objects of Mercy, before they could comfort themselves much from what was past.

This Part leads us to the Second Part of our Work, viz. To mention something of the Reasons, so far as we have got Insight into that Matter Without-Doors, Why the King, tho' mercifully inclin'd, and heartily sorry for the Necessity which his Majesty finds himself under to give the publick Justice so much Vent, yet could not see it reasonable to extend that Mercy which was so earnestly solicited for to that particular Person, of whom these Papers may seem to speak.

The Speech, or Paper, left behind by the Lord Der--r, tho' it does not speak it in Words, yet intimates very plainly, That there has been a long Train of Treasons; a secret Management of Parties and Persons in the Preparing the late Rebellion, and Concerting Measures for it; and that there appeared a great Desire in some People to have it out; and, no doubt, it is true Interest of the present Government to discover those Things; and the Discovery whereof might indeed contribute to the Preventing more of these unhappy Gentlemen coming to the like Circumstances with these, and so, in Effect, be of Service to their Friends: That these Gentlemen were privy to, and partly in those Treasons, there is little Reason to question; what else can be the Meaning of the Words in the Lord Der--r Speech, that Some Means have been proposed to me for Saving my Life, which I look'd on as inconsistent with Honour and Conscience, and therefore I rejected them. It is evident then that he was able to have complyed with the means proposed, otherwise it would have been a Prevarication to say, That Therefore he rejected them; if he had not been incapable to have complyed, if he had not in the said Train of Treasons,

sons, if he had not been able to make Discoveries, he could with more Truth, and much more to his own Vindication, have said, that it was not in his Power, and that therefore those Proposals were ineffectual to him.

But while, on the other Hand, he rejected the Proposal that was made to him, by which his Life might have been saved ; Who was cruel to my Lord Derwentwater, but my Lord Derwentwater ; And who caused him to be executed, the King or himself ?

It is not worth while to examine here what he calls inconsistent with his Honour and Conscience : If it was not inconsistent with his Honour and Conscience to rise in Arms, that is as far as lay in him to Depose, Murther, and Destroy the King, and all his Royal Family ; It cannot be inconsistent with the greatest Clemency in His Majesty to bring such to the Block. But on the other Hand, it was the highest Testimony imaginable of Royal Clemency, to offer such Men their Lives upon their Testifying their Sorrow for the Crime, by giving a true and faithful Confession of all the Parts of the Design, as far as they were really concern'd in it : While they deny this, what Token of Contrition, what Satisfaction of future Loyalty can they give ? They pleaded Guilty, say their Party, and threw themselves upon Mercy, and such are generally thought more proper Objects of Mercy than others : But let us examine what is meant here by Pleading Guilty, for except only the Form, I deny that they pleaded Guilty at all.

My Lord Derwentwater very ingenuously explains what he understands by his Pleading Guilty, it is in his Speech at the Bar, the 13th of February : The said Earl acknowledges with a real Sorrow, that at the Time in the Articles mentioned, he was in Arms, and with others did march thro', and invade several Parts of this Kingdom. The Law indeed accepts this as Pleading Guilty, because the Fact being acknowledg'd, the Law determines from it both the Guilt and the Penalty. But what's this towards a Penitent, or towards such a Confession as must merit Pardon.

When a Prisoner pleads Guilty to the Judge, he needs to own nothing but the Fact, the Court, as I said, determines all the rest.

But when a Prisoner pleads Guilty to his offended Prince, to move and implore his Clemency and Mercy, it is not the Fact but the Crime that he must charge himself with ; it behoves him to come and acknowledge it thus : SIR, I own my self a Rebel to your just Authority ; I am now willing to become your faithful Subject, to Recognize your Authority, and confess all my Rebellion.

But in all these Gentlemen's Pleading Guilty, there is not one Word of Confessing the CRIME, tho' there is of Confessing the Fact, that they were in Arms, but do not own that they were Rebels : Nay, my Lord Kenmure is so honest, if the Paper said to be left behind him be Genuine, as to acknowledge he prevaricated in his Pleading Guilty.

Now let any Divine tell us, nay even let a Popish Priest tell us, if this be found in Divinity. Does God Himself Pardon any Sinners that does not Confess their Offences, or that Confess one part, but will not Confess all ? What claim to Mercy can any Christian make upon any Scripture foundation, but upon a FULL and Sincere Confession, I say FULL and Sincere ; He that hides his Sin shall not Prosper : But he that Confesses and Forsake shall find Mercy. Prov. 28, 13.

Now these Gentlemen have indeed Confess'd the Fact, and what is there in that ? Where they not Evident, and easy to be Proved ; Was it in their power to Deny any Part ? Were they not all taken in the Field of Battle, with the Sword of Rebellion in their Hands ? What thanks to them for that Plea ; But if they had come ingenuously and confess'd the Treason, acknowledg'd the Crime of it ; laid open the Train of it, given in a FULL Account of the Rise and Progress of it ; and then have express'd their Sorrow that they should be Guilty of such a horrid Crime ; had this been done, and Mercy had been refused them, indeed they would had some room to talk of Severity, tho' none then of Injustice.

But this way of Confessing does not, in my Opinion, reach the Case at all, they have made no Confession of the Rebellion, tho' they have of their being in Arms ; in a Word, they have acknowledg'd themselves Rebels in our Sense, but they have not acknowledg'd that they are sensible of their being Rebels ; or that it is Rebellion in their Own Sense and pray what does all this amount to ? For my share I do not see they have pleaded Guilty with any View but that of the Scaffold.

The Confession of a Penitent is quite another thing, his Confession will be Compleat, will be Sincere, and he will be more afflicted for the Crime, than the Punishment.

Again he that confesses his Guilt, must confess all his Guilt, and all his Treason ; and he cannot be said to make an ingenuous Confession that conceals any Thing he knows, which may be for the Detecting the Treason, if any Part lies conceal'd, or that may be for the Safety and Advantage of the Prince, against whom he has offended.

And here comes in the Objection, This is against my Honour and Conscience, because it will Impeach my Friends, break the wicked Compact, the Engagement, or Oath of Secrecy taken with other Traytors, and what he n? The Consequence is, he takes his Word again, as the Scots calls it relapses to a Rebel in Inclination, and begs Pardon that he has acknowledg'd that little that he has.

In a Word, if these Gentlemen were not spar'd, it was because they would have their Lives upon their own Terms, or not at all ; they would have Mercy shewn to them for Sins unconfess'd ; is there any one of them that has given a full Narrative of all the Treasons they have Committed ; They have acknowledg'd the capital Part indeed, which, as we may say, they could not avoid, or get clear of ; but what else have they Confess'd ? Have they told the Government any one Thing which they did not know before ? Had my Lord Derwentwater made such an ingenuous Acknowledgment of all he knew of the Rebellion, I am bold to say, he would have Merited some Mercy, and for that Reason I believe he would have found it,

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But this manner of Confession, say they, would have betray'd Friends brought Great Men and Great Families to Ruin ; and perhaps, a great many of them too ; and it is below the Honour of a Nobleman to turn Informer.

It were to be wish'd such Men would put the Circumstances they have brought themselves to into the Balance, and consider that with the Point of Honour they speak of : If they stood out either in their Defence, or if, after Conviction, had resolv'd to meet Death as from the Hand of an Enemy, then indeed it could not be expected that they should make any such Thing as a Confession. But when they lie prostrate at the Foot of Majesty, Condemn'd by the Law, Acknowledging the Fact, and Imploring Mercy, this is quite another Thing ; and that these Men should reject the Conditions upon which Mercy was offered them this is perfectly inconsistent with the Nature of their Submission, and aggravates the Crime they were Guilty of before, and makes the Necessity of dealing with them in a Course of strict Justice ; and this may be another Reason against Mercy.

It is below the Majesty of the Government to name the Folly and Madness of their Friends as a Reason for their Execution, and yet it deserves some Notice too. No sooner were these Men, with the rest of the Preston Prisoners, come up, and had been a little while in Prison, but their Friends laugh'd loudly at the Government, telling them in their Teeth, that they durst not put them to Death ; as if the Power that was able to break them in the Field, should not be able to punish them when in Prison. But so preposterous have they been in this Part, that they have pusht the Government almost upon the necessity of bringing them to the Block, to satisfy the World that they dare do it.

This is very hard upon their Friends, and has made their being brought to the Block very reasonable in the present Government, if not absolutely necessary ; and it is worth while for them to consider it on several Accounts : (1.) How just the King had been to have executed

ted many more, and have given that Insolence of their Friends as the Reason of it. And (2.) Whether tho' for Time past it has not been done; yet that if the King should think fit to execute some merely upon the Importunity of this Circumstance, who otherwise his Majesty's Goodness might incline him to pardon; I say, whether their Blood, tho' not innocent, would not be so to those People, and be laid at their Door.

In the mean time, there is a more forcible Reason still to give why his Majesty may not have thought fit to extend that Mercy to these Men, which otherwise, perhaps, they might have found; viz. The continued Threatnings of the Party still to renew their Attemp's, to return with a greater Force, and to revive the Rebellion, promising to rescue their Sufferers out of the Hand of publick Justice, and to return the Treatment they have met with.

Let any one judge whether a threatening Enemy is an Object of Mercy; and whether it would consist with the Honour of His Majesty's Government, and the Safety of his Kingdom, to pardon Enemies that are Insulting him when out of his Hands, and Conditioning with him even when they are in.

It must be allow'd, that Clemency is the Glory of a King, and Mercy the Honour of his Government: But Clemency is to be directed by Wisdom, as the Sword is to be manag'd by Council. Rebellious Subjects unhumbled, can never be the proper Subject of the Prince's Clemency: Neither is Justice executed upon obstinate Rebels any Breach of Moderation in Government.

And how is a Rebel humbled, that owns not his Rebellion to be a Crime? How is he an Object of Mercy, that will not accept of his Life but upon his own Conditions? It's time to Capitulate when they are not in the Hands of Justice. My Lord Nithisdale, who has made his Escape, is in a much proper Posture to ask Mercy after the manner they did, than they were. He that implores Mercy, must first put himself into a Condition that denominates him a proper Object of Mercy, or he has but little Reason to expect it.

His Majesty, no doubt, has yet more and more forcible Reasons for not Granting the Mercy that was petition'd for to the late Lord Derwentwater, &c. but if not, I cannot think that these will make it evident to all the World, that it was not reasonable for them to Expect Mercy in the Circumstances they were in, or safe for His Majesty to grant it. I hope those who are left, will take care to behave more suitable to their own Interest, and to deserve better the Mercy they expect.

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